

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ISREAL MILLS,

Plaintiff,

v.

CIVIL ACTION NO. 5:08-cv-00260

EAST GULF COAL PREPARATION
COMPANY, LLC, et al.,

Defendants.

ORDER

The Court has reviewed Plaintiff's Motion for Reinstatement [Docket 179]. By Order of Reference [Docket 182] entered October 18, 2010, the Court referred this matter to United States Magistrate Judge R. Clarke VanDervort for disposition. Magistrate Judge VanDervort filed Proposed Findings and Recommendation (PF&R) on February 22, 2011 [Docket 186]. In that filing, Magistrate Judge VanDervort recommended that the undersigned deny Plaintiff's motion.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo review and Petitioner's right to appeal this Court's order. *See Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Here, objections to Magistrate Judge VanDervort's PF&R were due by March 11, 2011, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Crim. P. 59. To date, no party has filed any objections to the Magistrate Judge's Proposed Findings and Recommendation.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and **ORDERS** that Plaintiff's Motion for Reinstatement [Docket 179] be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 14, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA